

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 128 - SB 1035

February 7, 2013

SUMMARY OF BILL: Adds restitution as part of the punishment for trafficking for commercial sex acts, solicitation of a minor, soliciting sexual exploitation of a minor, and especially aggravated sexual exploitation of a minor in accordance with Tenn. Code Ann. §§ 40-35-104(c)(2) and 40-35-304.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The bill allows a court to require an offender to pay restitution as punishment for committing certain sex crimes. The restitution must be in accordance with Tenn. Code Ann. § 40-35-304, which only allows restitution if the defendant is financially able to pay. *See* Tenn. Code Ann. § 40-35-304(d); *State v. Watson*, -- S.W.3d --2009 Tenn. Crim. App. LEXIS 636 (Tenn. Crim. App. Aug. 6, 2009).
- According to the Administrative Office of the Courts and the District Attorneys General Conference, any fiscal impact can be absorbed within existing resources.
- According to the District Public Defenders Conference, the bill may increase the number of cases that proceed to trial, but no new public defenders are required.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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